

QUESTIONS FROM PFAS HOUSE BRIEFINGS - FEBRUARY 22, 2019

ENERGY & COMMERCE COMMITTEE

Rep. Tonko - NY (E&C majority)

- On a SDWA MCL: You've said EPA intends to propose a PFOA/PFOS MCL. I've heard that repeated a lot, but didn't see that in the actual text of the plan; the plan just says EPA will move forward with a regulatory determination. So far under SDWA, the vast majority of EPA's regulatory determinations have been determinations not to regulate. Are you committing that the RegDet for PFOA/PFOS will be a positive determination? Or are you leaving this open?
- On the hazardous-substance designation: It looks like you are just committing to do this for PFOA and PFOS (not for other PFAS). Are you looking to include shorter-chain PFAS in the designation? I've heard from folks that the technology needed to clean up PFAS may differ for shorter-chain and longer-chain PFAS. We'd waste time (potentially decades) if we use a technology to clean up one type of PFAS at a contaminated site and then need to clean up others using other technology.
- You've emphasized that much of the research you need to do has never been done before, but these chemicals are all man-made and most have been required to go through a TSCA new chemicals review before entering commerce. We have an outstanding oversight letter to EPA to get more info about the data and studies you've gathered on these PFAS through TSCA (and we'd like a response to our letter). What's happening with new PFAS coming through the process? Will EPA be making these studies and data available to the public?
- Can you say more about the PFAS communications toolkit you've discussed?
- Data collected under UCMR had fairly high reporting thresholds, and newer monitoring using better detection limits shows far greater contamination than the UCMR results. Is there going to be an effort in the groundwater cleanup guidance to ensure that reporting is done at appropriate levels?
- Your action plan seems to include a lot of just "considering" things – like listing PFAS under TRI. Why won't EPA actually do them? What is limiting you – is it data, or the regulatory process?
- What work is underway at EPA today? Some of the items in the plan seem like they'll take a long time.
- Is EPA coordinating with ATSDR on its PFAS assessment?

Rep. Shimkus – IL (E&C majority)

- Re: messaging and communications– will this be a one-size-fits-all toolbox, or will it be customized by community? What are other examples of the efforts you will take to collaborate with communities?
- Is the regulatory determination mentioned in the plan (for 2019) the same as the every-five-year SDWA regulatory determination process? Will you be doing a RegDet for PFOA and PFOS apart from other contaminants, or together?
- Which PFAS do EPA consider to be well-characterized, such that you could make a hazardous substance designation? What data are you missing in order to answer the questions you need to answer? Are you using validated methods?
- Which PFAS do EPA intend to include in UCMR 5?
- As part of the Action Plan, is EPA evaluating whether to make regulatory changes to the Toxicity Characteristic Leaching Procedure (TCLP) under RCRA Subtitle C?
- On pages 22-23 of the Action Plan, you mention that you are seeking additional information to inform the drinking water regulatory process. What additional information are you seeking – info from states? others?

Rep. Dingell – MI

- Did anyone on the panel attend any of the community engagement meetings? If so, what did you learn? Are you planning to hold any additional community engagement sessions?
- EPA sent a letter last Friday to Senator Carper that said EPA intends to establish a MCL for PFOA and PFOS. This sounds different than what you're telling us; have you changed your message?

HOUSE-WIDE

Rep. Fletcher (House Science majority)

- Can you summarize EPA's PFAS research efforts (generally)?

Rep. Boyle – PA

- In last week's Action Plan, many of us expected EPA to announce that it was designating PFOA and PFOS as CERCLA hazardous substances. When is this coming? We've been waiting a whole year.
- Similarly, on drinking water, we've been waiting a full year. Administrator Wheeler (to Sen. Carper) seems to have made the commitment that EPA's regulatory decision would be positive. What assurance was given to the Senate about this? Was it different?
- If EPA made a positive regulatory determination this year, how long would it take EPA to complete the process and set a MCL?

Rep. Rice – NY

- If EPA designated PFOA and PFOS as hazardous substances, and folks were then required to pay the costs of remediation, how would that unfold? Would this then mean DOD would have to pay cleanup costs, just like a private-sector party?
- Would designating PFOA/PFOS as hazardous substances affect the course of existing or new lawsuits over these contaminants? Would that change the outcome?

Rep. Luján – NM

- The Congressman's district is facing major issues: groundwater is being contaminated and USDA has set a low allowable threshold for PFAS in milk, which has shut down dairy farms in his district. Groundwater cleanup could take years, DOD is unwilling to come in and clean it up, and dairy farms are going bankrupt. Other parts of the government are waiting on EPA to take action. It would be great to convene a meeting with EPA as well as other agencies (DOD, FDA, USDA) to discuss.

Rep. Shimkus - IL (House E&C minority)

- Is having a MCL required before ordering an enforceable cleanup under CERCLA?

Rep. Rouda - CA (House Oversight & Reform majority)

- What actions do you recommend for communities exposed to PFAS: install filtration systems (like DOD has done)? What should people do now to protect themselves? Is EPA providing guidance and support?